

**HUMAN SERVICES DEPARTMENT[441]**

**Adopted and Filed**

Pursuant to the authority of Iowa Code section 239B.4(6), the Department of Human Services amends Chapter 41, "Granting Assistance," Iowa Administrative Code.

These amendments clarify that the 60-month limit on Family Investment Program (FIP) assistance applies when an adult has received assistance from FIP or from any state program in Iowa or in another state that is funded by the Temporary Assistance for Needy Families (TANF) block grant.

An "adult" is defined as the parent of the FIP child in the home, the parent's spouse, or a needy specified relative who is included as an optional member of the eligible group. In a family that includes a parent and a stepparent, both may have previously received assistance separately or together. If the adult who has received 60 months of TANF is the parent or the parent's spouse, the entire family is ineligible for FIP unless the family meets the requirements for a hardship exemption. If the adult is a needy specified relative, the adult is ineligible, but assistance can continue for other members of the household.

The amendments also make technical changes to references to Department actions to allow for the possible centralization of some eligibility functions.

These amendments do not provide for waivers in specified situations, since the 60-month limit of TANF assistance is a federal requirement, and the Department has no authority to waive federal requirements.

Notice of Intended Action on these amendments was published in the Iowa Administrative Bulletin on May 21, 2008, as **ARC 6797B**. The Department received no comments on the Notice of Intended Action. These amendments are identical to those published under Notice of Intended Action.

The Council on Human Services adopted these amendments on July 9, 2008.

These amendments shall become effective on October 1, 2008.

These amendments are intended to implement Iowa Code section 239B.5.

The following amendments are adopted.

ITEM 1. Amend subrule 41.30(1) as follows:

**41.30(1) *Sixty-month limit.*** Assistance shall not be provided to a FIP applicant or recipient family that includes an adult who has received assistance for 60 calendar months under FIP or any state program in Iowa or in another state that is funded by the Temporary Assistance for Needy Families (TANF) block grant. The 60-month period need not be consecutive.

a. An "adult" is any person who is a parent of the FIP child in the home, the parent's spouse, or included as an optional member under subparagraphs 41.28(1) "b"(1), (2) and (3). In two-parent households or households that include a parent and a stepparent, the 60-month limit is determined when either a parent or stepparent has received assistance for 60 months.

b. "Assistance" shall include any month for which the adult receives a FIP grant. Assistance received for a partial month shall count as a full month.

ITEM 2. Strike the words "county office" and "county office's" wherever they appear in subrule **41.30(3)** and replace them with the word "department" or "department's."

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EDITOR'S NOTE: For replacement pages for IAC, see IAC Supplement 7/30/08.